

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNIS PETILLO, JR.,

Plaintiff,

v.

CSP SAC NEW FOLSOM PRISON,

Defendant.

No. 2:21-cv-01471-DC-AC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 11)

Plaintiff Dennis Petillo, Jr., is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 302.

On October 28, 2024, the assigned magistrate judge screened Plaintiff's operative first amended complaint and found that Plaintiff had still failed to state any cognizable claims, despite having received guidance from the court regarding the contents of his amended complaint. (Doc. No. 11.) Notably, the magistrate judge found Plaintiff's first amended complaint to be incomprehensible, apart from alleging a government conspiracy to kill and torture Plaintiff through witchcraft, mind control, and cross examination. (*Id.* at 2.) Consequently, also on October 28, 2024, the magistrate judge issued findings and recommendations recommending that this action be dismissed, without leave to amend, due to Plaintiff's failure to state a cognizable claim upon which relief may be granted. (*Id.* at 3.) Those findings and recommendations were served on

1 Plaintiff and contained notice that any objections thereto were to be filed within twenty-one (21)
2 days from the date of service. (*Id.* at 4.) On November 22, 2023, Plaintiff filed objections to the
3 findings and recommendations and exhibits. (Doc. Nos. 12, 13.)

4 As with his first amended complaint, Plaintiff's objections and exhibits are
5 incomprehensible; they consist of rambling, nonsensical sentences. (*Id.*) In short, Plaintiff's
6 purported objections provide no basis upon which to reject the pending findings and
7 recommendations.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
10 findings and recommendations are supported by the record and by proper analysis.

11 Accordingly,

12 1. The findings and recommendations issued on October 28, 2024 (Doc. No. 11) are
13 adopted in full;
14 2. This action is dismissed, without leave to amend, due to Plaintiff's failure to state
15 a cognizable claim for relief; and
16 3. The Clerk of the Court is directed to close this case.

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18 IT IS SO ORDERED.

19 Dated: December 6, 2024



Dena Coggins
United States District Judge

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